



# Washington State Department of Agriculture News Release

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## **Agriculture Department issues fines and suspensions for pesticide violations**

**OLYMPIA** – During the fourth quarter of 2004, the state Department of Agriculture (WSDA) issued fines totaling \$1,400 against three individuals for violating state pesticide laws and rules. One of the individuals had his license suspended for three days. Two other individuals were not fined, but received license suspensions totaling 111 days.

Fines ranged from \$350 to \$600 for violations that included not following pesticide label directions, selling restricted-use pesticides to customers who were not licensed, and making pesticide applications without a proper license.

Actions taken were:

**Damion Acosta**, currently a commercial operator for Best Pest Control, Lynnwood, begins a 97-day suspension of his commercial operator license on April 1. WSDA alleged that in 2003, while working for Eastside Exterminators, Kenmore, Acosta operated without a proper license, falsified records, and maintained inaccurate records. Acosta also failed to submit records to WSDA in February 2004.

**Bleyhl Farm Services, Inc.**, Zillah. WSDA alleged that in May 2004, Bleyhl Farm Services, Inc. sold a federal restricted-use pesticide to a person who was not licensed to apply it. The matter was resolved when Bleyhl Farm Services, Inc. agreed to pay \$600.

**Robert Magnussen**, commercial operator for Pests-Or-Us, Inc., East Wenatchee, had his license suspended for 14 days as a result of a pesticide application he made to a residence in July 2004. The granular pesticide applied by Magnussen got into a dog's watering bowl, causing the dog to become sick. The granules were also found in a child's wagon in the yard. **David Twitchell**, the commercial applicator and president of Pests-Or-Us, Inc., was fined \$350 and his license was suspended for three days for allowing Magnussen to use a product that was not registered for residential uses.

**Larry Spurbeck**, Moses Lake. WSDA alleged that Spurbeck used a pesticide that was no longer registered for use, and in a manner that was inconsistent with the label. The U.S. Environmental Protection Agency cancelled use of the product in 1983 due to concerns about human health effects. A worker employed by Spurbeck became ill as a result of his application. The matter was resolved when Spurbeck agreed to pay \$450.

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**Penalty matrix used by WSDA to levy fines and suspensions**

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as wood rot, carpenter ants, or termites. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

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